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Winter Semester Grade Curves, See Page Six

Manitsky's Article is on Page Three, dammit!

The Reg Gestae

Vol. 40 No. 12

The University of Michigan Law School

September 12, 1990

Administration Sponsors Workshop on Diversity and Sensitivity for Student Groups

By Steve Chalk

Destruction and defacing of property belonging to certain law school student minority groups led to last weekend's workshop on diversity, according to Associate Dean Susan Eklund.

The law school sponsored the workshop, held Friday afternoon and Saturday in the Michigan League. The workshop was conducted by Dr. Frances Kendall.

In the past few years, "there were these fairly notorious incidents," Eklund said, citing as an example the damage done to a Lesbian and Gay Law Students Alliance (LGLSA) bulletin board.

Eklund noted the law school's mandate in promoting greater awareness and tolerance. "A basic [aim] of this law school is to educate lawyers . . . who come from all parts of the world, and will return to them." That variety of location and culture, according to Eklund, makes diversity a very relevant topic.

The workshop focused on racism, sexism and homophobia in the law school community. Dealing with three broad issues in two days is ambitious, according to Kendall, but she said she included all three to avoid the appearance that any deserved higher priority. Kendall added that "they were sort of naturals" after recent incidents at the law school. "Somehow there needs to be a framework to deal with those issues," Kendall added.

Eklund said she believes the workshop will help organization leaders bring discussion about diversity to other students. "We have an awfully sophisticated student body," Eklund said, adding that some students have already been active in promoting diversity on campus and elsewhere.

"Women at the law school have been talking for a long time about unwelcome treatment," Eklund also noted that "with the increasing concerns about racist behavior on campus, there's been more attention" at the university

to promoting tolerance.

Despite the negative incidents Eklund said she is unwilling to establish a specific mandate for the diversity workshop. According to a memorandum issued on Aug.

See WORKSHOP, page four

First-year Class Statistics Released

The law school administration has released preliminary information regarding the composition of this year's entering law school class.

This year's first-year class contains 360 students, marking a slight increase over the size of previous acceptance pools.

See STATISTICS, page five

LSSS Sets Election Date

By James S. Johnson

Among the actions taken when the Law School Student Senate met Monday night was one that showed that the Senate gives a hoot about the law schools more "mature" students.

The Senate voted to recognize a new student group, the Older and Wiser Law Students (OWLS). Nancy DeSantis (3L) reported to the Senate that the group hopes to provide support over 200 students who are 28 and older. While the purpose of OWLS is "largely social", DeSantis said that the group hopes to address the special problems of "older" law students in the areas of employment, financial aid, and family needs.

The Senate also adopted a schedule for this fall's elections. Each of the four first-year sections will elect one representative to the Senate. Due to last year's change in the LSSS Constitution, LLM students will elect a representative for the first time. The election will also fill a vacancy on the Lawyers Club Board of Governors.

Nominating petitions will be available at the LSSS office beginning Monday, September 17. Petitions and

Candidate statements must be filed by Monday September 24. The election will be on Wednesday, October 3.

Treasurer Kara Novaco (2L) reported that applications for student groups seeking LSSS funding are now available at the LSSS office. The deadline for submitting applications is September 28. The Senate is expected to act on the funding requests by the second week in October.

There may be more money for the Senate to allocate this year. The treasurer reported that as much as \$12,000 may be left over from last year. While her figures are subject to change, Novaco reported that many groups and committees appear not to have spent their budgeted funds. Also contributing to the large balance were higher than expected LSSS clothing sales.

However, not all the surplus may be able to be used. President Mike Lawrence (3L) reported that the Law School's Yearbook, *The Quadrangle* overspent by about \$2000, and the law school administration is seeking reimbursement from LSSS.

In other action, Vice President Fred Dawkins (2L) reported that the following LSSS committees still have do

not have chairpersons: ABA/Law Student Division, Elections, Computers, Financial Aid, Placement, Library Advisory, Clinic Faculty Selection Advisory, and Disciplinary. Students interested in chairing or serving on a committee should contact Dawkins.

Because of last spring's election snafu, LSSS has not yet begun its committee work. In an earlier interview Lawrence said "it's not really unfortunate . . . because [committees are] a good opportunity to get first years active right away".

Unlike the Senate's voting members, students work on LSSS committees without being elected. "The committee members are all appointed by the Senate," Lawrence explained. He added that for most committees, "no one gets turned away."

Finally, Secretary Conrad Payne (2L) reported that the LSSS will soon seek applications for its only paid position — LSSS clerk. Payne says the job should average 6 hours per week and it will pay "at least" \$5 per hour. Payne will be seeking someone with experience using personal computers.

The Res Gestae

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Submissions to The Res Gestae should be placed in the newspaper's pendaflex in Room 300 Hutchins Hall by 5 p.m. on the Saturday preceding publication. Items submitted after this time will not normally be considered for inclusion in the following issue. Anonymous submissions will not be printed unless the identity of the author is disclosed to the editors and there is a compelling reason for the author to remain anonymous.

The Res Gestae requests that submissions be placed on Macintosh disks. This will save us time and expedite the printing of your ideas. The piece may be typed in any of the following word-processing programs: WriteNow, Microsoft Word, WordPerfect or FullWrite.

It is Time to begin the Hard Work of Diversity

LAST WEEKEND'S WORKSHOP on sensitivity to diversity in the law school community was an important first step to improving the atmosphere at the law school.

This law school has not been a place that welcomes all members of its community. The workshop was prompted by acts of violence against many "minority" law students. Yet it is more than these acts which have made Hutchins Hall a place of discomfort to many in our ranks.

The workshop challenged student organization leaders to notice the indignities that often go unnoticed. The antiseptic terms of "racism", "sexism", and "homophobia" do not communicate accurately what members of our community endure. The problems faced by women, people of color, and gay men and lesbians are real and serious. Participants left the workshop with a greater understanding of the reality of the problems we face.

While it is possible to list examples of the problems our peers who are women, people of color, and gay and lesbians face, what is critical is for each of us to learn to see the problems ourselves.

The problems of the law school are not caused solely by the administration or the faculty. We have all contributed to the air of hostility our classmates face. And if we are all part of the problem, we can all be part of the solution.

All of us should make a commitment to try to see the law school through the eyes of our classmates. We should hear our professors with the ears of our women classmates. We should read our books with the eyes of people of color. We should feel the assumptions of heterosexuality that we make with the feelings of someone who is gay.

The workshop was a first step. But as with all first steps, it will take much more work, by all members of the law school community, before the ultimate goal — creating an environment where all members of the law school are included and can contribute — is realized. It is now time for all of us to begin on the second step of our journey.



IN SPITE OF PAUL DRAKE'S CRACK DETECTIVE WORK, PERRY MASON'S WINNING STREAK COMES TO AN ABRUPT END.

Dissenting Opinion

We Need a Firm Commitment to Employment Opportunities

By Steve Chalk

Now it's "interview season" again, with all of those choices . . . perhaps.

The law school administration has attempted recently to focus on the realities of working for large, private firms. Visiting speakers last year emphasized that such employers need to maximize their return on beginning associates; that is, new attorneys must generate enough revenue to pay their salaries, even when that means billing for, well, less-than-stimulating work.

That emphasis is highly relevant. According to recent statistics, some 96% of Michigan Law graduates go immediately to practice in private firms, and often large ones — an option they are aware of from the moment first years nab the interview sheets, if not sooner. And indeed, in many cases, acquiring such jobs reflects well on Michigan graduates and the quality of their legal education.

But I'm afraid that, increasingly, the powers that be are restricting our other job choices. Is it realistic to expect a law student — \$40,000 in debt and struggling to get by — even to consider lower-paying jobs, perhaps in smaller firms or the public sector? True idealists probably say "yes," but after a while, it's difficult to be a dreamer about debts, mounting bills, new responsibilities and collection agencies.

Often confusing, in rare cases enlightening, law school — I figured — at least creates a lot of job opportunities (or, more cynically, it's a procrastinator's paradise). After all, the law, in some form, lies at the core of most activities in which we engage.

Now, however, I have to consider what I'm going to do next summer, and beyond, and I have two choices: finance my education, or work at what I enjoy. To confess, I'm not very interested in large, private firms. Naively, perhaps, I prefer public sector work, where I can see the law connected to public policies (at times) that enhance (again, at times) the quality of life.

My preference has nothing to do with the career

choices that others make. In fact, I'm sure my bias just led a few readers to toss this issue in disgust. But for them and for those who read on, I'll bet you value your freedom to make choices as much as I value mine.

And I wonder how much freedom we really have.

Tuition is up approximately 14%. Prior to discovering that, I could not understand why I was expected to apply for several thousands of dollars more in loans than what I borrowed last year. My math skills have improved, but my saving account has a real inferiority complex.

Granted — our law school has hinted at the trade-offs involved in working for high-powered private firms. Just last week, Placement Director Nancy Krieger advised students that roughly one-third of 1987 U-M Law graduates expressed dissatisfaction with that type of employment when polled after a year and one-half in the workplace.

Students at Villanova Law School, however, have decided to confront the more immediate issue: the fact that, because of their pocketbooks, many law students may never consider such "lesser" trade-offs.

A few individuals at Villanova are formulating specific proposals for a university-sponsored, debt-forgiveness program that would not only allow students more choices, but would also present an incentive to those who choose the less-traveled paths: government work, jobs with private, non-profit agencies, etc.

Michigan Law has the Student Funded Fellowships (SFF), a wonderful vehicle for exposing people to other options in legal practice, but only over the summer. Friends have told me that this law school has programs giving students similar opportunities for full-time employment. Those options, however, are rarely if ever publicized. That absence seems ironic; I would think that the administration, so conscious of the trade-offs in big firm work, would jump at the opportunity.

I certainly wouldn't mind exploring other possibilities. You see, I like to procrastinate, so I'm having trouble committing myself to my only option.

Opinion

MSA up to Same Old Tricks

By Michael David Warren, Jr.

Just when you thought your money was safe from being spent on a fact-finding mission to Palestine.

In 1989 the Michigan Student Assembly (MSA) sent such a mission to Palestine with funds raised from the student body. Although the trip was authorized under the auspices of education, the trip was a politically motivated fiasco designed to support the political viewpoints of some MSA members.

In response the governing party was booted out of office, and the Conservative Coalition, which criticized and publicized the trip, was elected. Last election, in 1990, nearly all candidates pledged to wisely spend the student's money, and campaigned against such openly political expenditures as the fact-finding mission.

While campaigning against future fact-finding missions the Action Party, which was mostly composed of members of Choice (which was the party in power when the fact-finding mission was authorized) overwhelmed its opponents and captured con-

trol of MSA last year — including the law school seat.

This summer MSA allocated \$1000 to fund an LSA senior's and an alum's "envoys" to the Gaza Strip and the West Bank to visit Birzeit University (U-M's "sister" university), trade unions, students, and women's committees. In short, the students of this university have paid for a politically motivated symbolic trip which is not embraced by the students as a whole. In other words, we have been had.

Not only has MSA and Action violated its pledge to keep student money on campus, but it has used student money to further the political ideals of its party. Spending money to help meet student needs should be the focus of MSA, not squandering student money on one student and one graduate's summer vacation in order to generate publicity and a mouthpiece for their political causes. Hopefully, a negative student reaction to the blatant violation of trust by the Action Party and MSA will achieve their ouster from office.

*The
Res Gestae*
is still looking for
photographers,
reporters and other
helpful people.

Call 998-7976

The Art of the Pass

By Andrew Manitsky

To third-year law students, it's boring. To first-year's, it's strange and new and exciting. But to second-year's, it's an art.

There are many techniques. Indeed, there are many approaches to passing, and, like most important things in life, the approach one takes is very often determined by the theoretical underpinnings one attributes to the enterprise itself. (I like the way that sounds.) But before I begin, I would like to stress the following: Passing is a noble activity. Only the finest moral agents embrace it. To be sure, some professors insist that you inform them of your "pass" before class. But this, of course, is crass, and takes all the sport out of sitting in class unprepared.

There are a few stand-by's: When the professor asks a question, simply raise your hand, and when called on say "I didn't do the reading" or "pass." This technique is related to the "First Strike" theory. Proponents of "First-Strike," or "First-Strikers" (as they are never called), insist that the only sensible approach to being unprepared is to attack first. First-Strikers (as they are sometimes called) argue that if one is unprepared, one need only make a comment or ask the professor a question at the very beginning of class. Once the prof hears your voice and sees you speaking in class—so the argument goes—he or she will somehow mentally reinterpret what

has happened (this is where the argument gets a little fuzzy) and believe that you have satisfied your speaking duty for the day. Empirically, of course, this view is unsupported. In fact, several recent studies have shown that the First Strike can very easily backfire on the student.

The standard pass is the Chest Pass. This pass—performed in a loud, clear, and steady voice—is crisp, simple, and to the point: "Pass." It is said almost matter-of-factly, and there is often a hint of pride which resonates in the voice. Often a student will ask the professor to repeat or rephrase the question, at which time the student, after realizing that the question's repetition or rephrasing has in no way increased the student's knowledge of the unread case, is forced to pass. This is the Bounce Pass, and should be used sparingly. A truly heads-up prof will see the bounce pass coming a mile away, and will accordingly apply extra down-court pressure, as in: "If you'd been paying attention, Manitsky, you would have heard the question."

Beware: there are some professors who simply dominate the game. Only the most sophisticated players have the finesse to beat them. Consider the following:

"Mr. Manitsky—what was wrong with the court's reasoning in *Lochner*?" (softly) "Pass."

"You passed last time, Mr. Manitsky.

You mean to say you haven't done the reading for—"

"Oh, no, no, no," I interrupt. "I've done the reading for today. In fact, I read the case quite carefully . . . (after a pause, very softly) Pass."

"Why are you passing if you've read the case?"

(matter-of-factly) "Pass."

"I realize you pass. What I want to know is—"

"No," I interrupt again. "That last question . . . Pass."

The prof is in trouble. He calls a technical: "Please see me after class."

The response: "I can't. I have a meeting."

"Well, perhaps later this afternoon—" "I'm really quite busy."

This exchange occurred frequently during my first year; in fact, the dialogue very often ended abruptly, usually involving some sort of lunge for my throat.

A street-smart player will sometimes utilize the Behind-the-Back pass: a morally reprehensible, though effective, pass. Instead of handling the question, simply dish it off to the person sitting next to you by staring blankly at the prof and saying nothing, thereby causing a long, uncomfortable silence in the class. This forces the prof to ask your neighbor. Needless to say, however, one does not win many friends here.

Another common technique: when called on, refer to professors using chummy nicknames like "Coach" or "Ace" or "Big Daddy"; as in: "I don't know, Ace, what do you think?" Or: "I'm barely paying attention, Coach. What was the question?"²

While passing is an art to be taken seriously, do not neglect the importance of patterns. Most professors—often unwittingly—follow a discernable pattern of calling on students. Discussing these patterns with one's colleagues, and over-intellectualizing the small sample of data that's available, is extremely crucial to first-year survival. Certainly it is more helpful than reading *Pierson v. Post*.

¹ Arovas, 1990, "Constitutional Law and the Power of the Pass."

² One prof who quickly comes to mind is Professor Theodore J. St. Antoine, or, as he is known among his colleagues, close friends and family: The Saint.

³ This is to be distinguished from the term's usage vis-a-vis Colton, of course.

⁴ This last question is, of course, the Bounce Pass-Nomenclature Combo, a move greatly influenced by the Bergian School. Very effective.

⁵ You know, the fox case.

Workshop Leader Approaches Difficult Subjects with Sensitivity

By Steve Chalk

After many years of conducting sessions on sensitivity to differences, Dr. Frances Kendall said that she has learned not to "beat students up" in trying to make them more aware.

"I think there's still a lot of discomfort" among students in confronting tough questions about diversity, Kendall said.

Instead, Kendall — who ran a workshop for law school student organization leaders Friday and Saturday — told *The Res Gestae* that "my goal is to make them participate." "I've changed," she acknowledged. "Fifteen years ago I would have said, 'Make them as miserable as

possible'" in illustrating diversity.

Kendall insisted that encouraging participation helps eliminate the feeling that discussions of racism, sexism and homophobia point an accusing finger at some individuals. She noted that one participant "expected this to be 18 hours of bashing" heterosexual white males, but told her afterwards that he didn't feel that it had been.

Kendall had students attending the workshop make private commitments to encourage diversity. However, Kendall feels that objective to be secondary. "My goals have more to do with building a coalition among groups," she said.

Workshop

Continued from Page One

28, some members of the law school community have submitted pleas for "a more inclusive atmosphere."

"I'd really like the students to define that," Eklund said. She acknowledged that making diversity work is a complicated task, and poses some troubling questions.

As an example, she cited the practice in the law school admissions office of issuing separate fliers to attract minority applicants, and noted the risk that minorities and non-minorities might feel branded and ostracized, respectively, by such treatment.

Law school administrators found the issues troubling enough that they considered making student attendance mandatory at a workshop on diversity. That idea was rejected, however, as voluntary participation should do more to foster a cooperative atmosphere, Eklund said.

The Week at a Glance

Wednesday, September 12

Sign-ups begin for the Law School Tennis Tournament outside room 100 Hutchins Hall between 10 a.m. and 2 p.m. Events are Men's Singles, Women's Singles, and Mixed Doubles. The Entry Fee is \$1 per person per event. Winners will receive Law School Sports Champion Tee-Shirts. The tournament is sponsored by the LSSS Sports Committee.

Professor John Jackson and Assistant Dean Virginia Gordon will present information on The Leiden Law Program and Ford Foundation Fellowships in Public International Law at Noon in room 132 Hutchins Hall.

The Law School Arts Association will have its first meeting of the semester at 12:30 p.m. in the Lawyers Club Lounge.

Intellectual Property Students Association will have a general meeting at 3 p.m. in room 138 Hutchins Hall.

Professor Catharine MacKinnon will speak at 4 p.m. in the fourth floor amphitheatre of Rackham Building. Her topic will be "Does Sexuality have a History?"

Request Sheets for second and third-year on-campus interviews for the weeks of September 24-28 and October 1-5 are due in the Placement Office by 5 p.m.

Lesbian and Gay Law Students Alliance will have a general meeting in its office on the third floor of the "White House" (next to the law school parking lot), 721 S. State St., at 6 p.m.

The Hispanic Law Students Association will hold a meeting in the Cook Lounge, N Section of the Lawyers Club at 6:30 p.m.

The Environmental Law Society will have a meeting at 7 p.m. in room 138 Hutchins Hall.

The Immigration Law Project will have an informational meeting at 7:30 p.m. in room 116 Hutchins Hall.

Thursday, September 13

Sign-ups conclude for the Law School Tennis Tournament outside Room 100 between 10 a.m. and 2 p.m. Events are Men's Singles, Women's Singles, and Mixed Doubles. The Entry Fee is \$1 per person per event. Winners will receive Law School Sports Champion Tee-Shirts. The tournament is sponsored by the LSSS Sports Committee.

The Christian Law Students will meet for an hour of fellowship at 5 p.m. in the

Announcements or personal notes may be turned in to *The Res Gestae's* pendaflex (300 Hutchins Hall) by noon Monday for publication the following Wednesday. Recognized student organizations in good standing with the RG may place announcements of upcoming events or meetings free of charge. Individuals may place personal notes for 50¢ for the first 25 words, and 25¢ for each additional 10 words. Remittance must be submitted with your ad.

Cook Lounge, N Section of the Lawyers Club.

The National Lawyers Guild will hold its first meeting of the semester at 7 p.m. in room 116 Hutchins Hall.

International Law Society will meet at 7 p.m., room 132 Hutchins Hall.

Friday, September 14

Junior Clerk Applications for this year's Writing & Advocacy Program are due at Noon.

Monday, September 17

Nominating Petitions for First Year LSSS representative elections will be available at the LSSS office, 118 Legal Research.

The Law School Student Senate will meet in the Library Seminar Room at 6:30 p.m.

Tuesday, September 18

The American Civil Liberties Union, U-M Chapter will hold its first meeting of the term at 7 p.m. in room 150 Hutchins Hall.

Statistics

Continued from page one

In selecting the larger class, Dean Bollinger and the Admissions Policy Committee decided to increase the number of in-state transfer students, choosing 22 of them. This preference led to a decrease in the number of first-year selections.

Those with Michigan residency comprise 41% of the class, and women 38%. In addition, 13%, or forty-seven members, are Black, six are Native Americans and three hail from Puerto Rico. The University is currently adapting a broader definition of minorities; thus, accounting for 13 Asian Americans and two Hispanics, the minority enrollment figure reaches 63, or 17.5% of the entering class.

The number of applicants also increased over that of previous years. Total law school applications were up 9.6% over 1989, as 6645 people applied to U-M Law. That number represented the largest ever received by the Law School, but preliminary estimates suggest that 1990-91 numbers will exceed the current record.

Among the undergraduate institutions represented in the new class, the University of Michigan easily tops the list with 60 resident and 9 non-resident students. Michigan State, Cornell, Harvard and Penn follow — each with less than one-quarter of U-M's undergraduate representation. Rounding out the top fifteen feeder schools are the University of Illinois, Notre Dame,

Wayne State, U-Cal Berkeley, Brown, the University of Chicago, Dartmouth, Duke, Georgetown and Northwestern. In addition, some students phone home to the People's Republic of China, the United Kingdom and the Virgin Islands.

Although the average age of the class is 23.4 years, experience also shows. As of the time they applied, 37 acceptees had attended graduate or professional school, and four had obtained Ph.Ds.

Visiting Faculty Announced

The law school has announced the appointment of several new visiting professors for the 1990-91 academic year.

Gennady Danilenko, Pierre-Marie Dupuy, and Mitsu Matsushita received appointments for the fall semester, and Ernst Mestmacker will teach during the winter term. In addition, Guyora Binder, Larry B. Kramer, Menachem Mautner, Judith Olin, David Piontkowsky, and Patricia D. White have year-long appointments.

Jenner & Block

*of Chicago and
Washington, D.C.*

*is pleased to invite interested students
to an information session about our
firm on*

**Sunday, September 16,
1990**

*in the lawyers Club, Main Lounge, at
5:00 p.m.*

*Please Join Us For Pizza,
Beer and Soda.*

HOWARD
RICE
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CANADY
ROBERTSON
& FALK

a San Francisco law firm, will be interviewing interested second and third-year students on

Thursday and Friday, October 4 and 5.

If you're unfamiliar with our firm, just ask someone you know who spent last summer in San Francisco.

We are a progressive firm of 95 lawyers, long recognized for our exceptional litigation practice. In addition to complex commercial litigation, we have substantial constitutional and public law litigation representing cities, counties, the State of California, universities, and private litigants. Our pro bono litigation is also extensive and diverse. Our corporate practice is strong and growing, comprising over half the firm. It emphasizes complex corporate finance transactions including mergers, acquisitions, and security offerings. Other important practice areas include intellectual property, start-ups in high-technology companies, general corporate representation, international law, real estate, land use, environmental law, and taxation.

Student interview request cards are due in the Placement Office TODAY.

Winter Semester, 1990 Grading

<u>Class</u>	<u>Professor</u>	<u>Avg</u>	<u>A+</u>	<u>A</u>	<u>B+</u>	<u>B</u>	<u>C+</u>	<u>C</u>	<u>D+</u>	<u>D</u>	<u>E</u>
Civil Procedure	Friedman	3.079	2%	13%	22%	30%	27%	5%	0%	0%	0%
Contracts	Soper	3.027	0%	15%	22%	31%	20%	11%	0%	0%	0%
Contracts	Westen	3.088	3%	15%	26%	24%	22%	8%	0%	2%	0%
Con Law	Pildes	3.036	2%	13%	23%	25%	28%	7%	0%	2%	0%
Con Law	Sandalow	2.871	3%	7%	27%	21%	19%	13%	7%	2%	0%
Lawyers & Clients (sec 1)	Pepe	3.204	0%	23%	23%	27%	27%	0%	0%	0%	0%
Lawyers & Clients (sec 2)	Pepe	3.150	0%	20%	25%	25%	25%	5%	0%	0%	0%
Lawyers & Clients	Borgsdorf	3.225	5%	9%	36%	32%	14%	5%	0%	0%	0%
Property	Kauper	2.994	1%	11%	25%	25%	27%	10%	1%	0%	0%
Property	Simpson	3.097	1%	15%	24%	33%	21%	4%	1%	1%	0%
Property	Schneider	3.114	3%	17%	25%	23%	23%	9%	1%	0%	0%
Public Law	Aleinikoff	3.119	1%	18%	23%	32%	14%	12%	0%	0%	0%
Torts (sec 1)	Eisenberg	3.052	1%	12%	25%	30%	22%	10%	0%	0%	0%
Torts (sec 2)	Eisenberg	3.021	1%	12%	25%	25%	24%	12%	0%	0%	0%
Evidence Workshop	Gross	3.786	0%	57%	43%	0%	0%	0%	0%	0%	0%
Advanced Antitrust	Kauper	3.108	0%	19%	22%	33%	15%	11%	0%	0%	0%
Advanced Legal Research	Leary	3.221	0%	24%	24%	29%	19%	5%	0%	0%	0%
Bankruptcy	JJ White	3.146	3%	19%	22%	30%	16%	11%	0%	0%	0%
Blood Feuds	Miller	3.293	0%	26%	19%	44%	11%	0%	0%	0%	0%
Civil Procedure II	Syverud	3.112	4%	13%	24%	28%	25%	7%	0%	0%	0%
Comm Trans	Laycock	2.927	5%	18%	15%	30%	13%	6%	5%	3%	5%
Corp Finance	Bradley	3.365	3%	23%	33%	34%	5%	4%	0%	0%	0%
Crim Appellate Prac	Jordan	3.667	0%	50%	42%	0%	8%	0%	0%	0%	0%
Crim Proc	Israel	3.187	5%	19%	30%	16%	21%	7%	0%	2%	0%
Crim Proc Survey	Israel	3.195	3%	17%	26%	34%	13%	4%	3%	0%	0%
Employment Discrim	St. Antoine	3.196	5%	18%	23%	30%	17%	6%	2%	0%	0%
English Legal History	Simpson	3.236	4%	17%	27%	31%	15%	6%	0%	0%	0%
E. O.	L. Katz	3.320	3%	27%	26%	27%	10%	7%	0%	0%	0%
E. O.	Seligman	3.274	0%	13%	41%	36%	10%	1%	0%	0%	0%
Entertainment Contracts	Litman	4.100	40%	40%	20%	0%	0%	0%	0%	0%	0%
Environmental Law	Krier	3.518	2%	40%	29%	26%	0%	0%	3%	0%	0%
Evidence	Lempert	3.197	1%	18%	28%	30%	18%	3%	1%	0%	0%
Family Law	Chambers	3.250	2%	19%	28%	32%	16%	4%	0%	0%	0%
Fed Antitrust	Friedman	3.473	0%	28%	39%	33%	0%	0%	0%	0%	0%
Fed Envir. Law Survey	Van Putten	3.061	3%	14%	28%	31%	14%	3%	6%	0%	3%
First Amendment	Kamisar	3.198	2%	21%	22%	29%	18%	6%	1%	0%	0%
Gov't & Bus. in W. Eur.	Adams	3.492	0%	33%	37%	26%	5%	0%	0%	0%	0%
Health Law	Payton	3.859	14%	59%	17%	7%	3%	0%	0%	0%	0%
Ins. Law	Syverud	3.187	1%	20%	23%	32%	19%	5%	0%	0%	0%
Int'l Finance	Fox	3.341	0%	18%	32%	50%	0%	0%	0%	0%	0%
Int'l Law	Jackson	3.121	2%	19%	18%	33%	19%	5%	4%	0%	0%
Juries	Ellsworth	3.159	2%	17%	22%	34%	17%	7%	0%	0%	0%
Jurisdiction	Cooper	3.145	2%	20%	17%	42%	15%	2%	0%	0%	2%
Jurisdiction	Reimann	3.007	2%	14%	21%	27%	20%	13%	1%	1%	0%
Labor	St. Antoine	3.141	4%	18%	23%	25%	22%	9%	0%	0%	0%
Lawyer as Negotiator	JJ White	3.115	0%	19%	15%	35%	31%	0%	0%	0%	0%
Legal Philosophy	Soper	3.245	2%	20%	24%	40%	9%	6%	0%	0%	0%
Partnership Tax	Kahn	3.439	22%	33%	22%	0%	0%	11%	0%	11%	0%
Securities Reg	Seligman	3.203	0%	11%	38%	38%	9%	2%	0%	0%	1%
Tax I	P. White	3.223	0%	26%	25%	24%	17%	7%	0%	1%	0%
Tax II	Kahn	3.103	7%	12%	19%	43%	7%	7%	2%	0%	2%
Trademarks	Litman	3.492	0%	33%	37%	26%	5%	0%	0%	0%	0%
Trusts & Estates I	P. White	3.092	3%	23%	21%	26%	13%	10%	3%	0%	3%
Welfare Law	Lehman	3.178	2%	22%	21%	28%	24%	3%	2%	0%	0%
Business Combinations	Moscow	3.795	12%	35%	53%	0%	0%	0%	0%	0%	0%
European Legal History	Reimann	3.688	13%	25%	50%	13%	0%	0%	0%	0%	0%
Framing Facts	Scheppele	3.375	0%	25%	25%	50%	0%	0%	0%	0%	0%
Garbage	Kreier	3.667	0%	33%	67%	0%	0%	0%	0%	0%	0%
Hist of Dem Thought	Pildes	3.504	0%	29%	43%	29%	0%	0%	0%	0%	0%
Int'l Trade Seminar	Jackson	3.500	0%	0%	100%	0%	0%	0%	0%	0%	0%
Law & Culture	Bollinger	4.000	0%	100%	0%	0%	0%	0%	0%	0%	0%
Law & Morality	L. Katz	3.634	7%	27%	53%	13%	0%	0%	0%	0%	0%
Legal Anthropology	Miller	3.500	0%	25%	50%	25%	0%	0%	0%	0%	0%
Liberalism & Its Critics	Herzog	3.497	0%	33%	33%	33%	0%	0%	0%	0%	0%
Pluralism in America	Sandalow	4.000	25%	50%	25%	0%	0%	0%	0%	0%	0%
Religious Liberty	Laycock	3.959	25%	42%	33%	0%	0%	0%	0%	0%	0%
Roman Law	Frier	3.705	8%	33%	50%	8%	0%	0%	0%	0%	0%
Civil Rights Litigation	J. Chambers	3.773	15%	46%	15%	23%	0%	0%	0%	0%	0%
Sports Law Seminar	Pooley	3.917	17%	50%	33%	0%	0%	0%	0%	0%	0%
Symbolic Logic & Law	Allen	3.500	13%	25%	13%	50%	0%	0%	0%	0%	0%
American Urban Underclass	Lehman	3.750	0%	50%	50%	0%	0%	0%	0%	0%	0%

Sonnenschein Nath & Rosenthal

*of Chicago, Los Angeles, New York, St. Louis,
San Francisco and Washington, D.C.*

is pleased to announce that it will be interviewing interested second and third-year students on

Thursday, September 28

for summer and permanent employment, 1991.

Student interview request cards are due in the Placement Office TODAY.

Chip's Picks

Continued from Page Eight

they visit Boston College. The line is the Buckeyes by 7.

Illinois 22 Colorado 17

Colorado visits Illinois this weekend. The Buffs have struggled with Tennessee and Stanford. Illinois was bushwhacked in Tucson by Arizona. The question is who will get things turned around first. The line is Colorado by 3 1/2, but Illinois just had a bad first game on the road. Colorado is having some more serious troubles. Hagan and Bieniemy against the Illinois defense should be a great game.

Miami 54 California 12

Miami will lick its wounds in Berkeley against the Golden Bears of California. Remember Miami, Gerry Faust? The line is 23, that would be merciful. It was a great opener against Wisconsin, but sometimes the quirks of scheduling can be painful.

On Going after the Big Bucks

Next year Notre Dame home games will be worth an extra \$500,000 to both Notre Dame and the visiting team. Just after participating in CFA negotiations for a new TV contract with ABC and ESPN, Notre Dame cut a deal on its own with NBC. This, despite Notre Dame's commitment that they "fully expect(ed)" to participate in a new CFA TV package... but wanted to see the total package first. Had Notre Dame not participated in the negotiations, they could have plausibly contended that the package was not to their liking. Since they saw the package develop every step of the way, that story becomes difficult to swallow.

It is easy to be critical of Notre Dame because of the way they approached the decision. First reaffirm your commitment to the CFA. Then, help negotiate the deal. Finally, quietly speak with a third party about cutting your own deal for megabucks and a guaranteed spot on TV. Not a very admirable approach. The real problem is not the approach, but the fact that any single school can sign their own TV contract for such a price and guarantee such exposure. College football relies on its tradition, school spirit and loyalty, alumni and memories of autumn afternoons when

we were attending school. You have a favorite college team for different reasons than you have a favorite pro team (unless your a Hurricane fan). Many college football fans are fans of college football as a whole, not just their team. Even Notre Dame relies on the system of college football for a piece of their appeal. Notre Dame is who they are in a large part because of college football. The fact that they have a stronger national following than other schools does not excuse their use of college football for their own benefit at the expense of other schools.

The initial response to Notre Dame's decision was focused on the money involved. "I remember when Notre Dame used to be an athletic institution" said Penn State head coach Joe Paterno. "Now it's a bank." The real concern should be Notre Dame's domination of college football telecasts. Major rule changes were made in college football in the last fifteen years so that someone besides Nebraska, Oklahoma, USC, Alabama and Notre Dame could win in college football. Scholarships were limited, coaching staffs were restricted, etc. This decision by Notre Dame is a step backwards. A major factor in the emergence of Big East basketball has been their TV exposure. If a basketball player wants to be on TV (if?), then play in the Big East. Notre Dame was already on TV more often than any other team, now they own a network.

There are not many options open to the rest of the country's college football teams. Notre Dame does own the rights to televise their home football games. One option is for teams, or at least the teams that NBC would hope to be able to televise, to refuse to play Notre Dame at home. A home schedule that consisted of East Carolina, Kansas State, Ohio University, UTEP, California (the big home game of the year) and Rutgers would quickly put an end to the Notre Dame network. I know, I'm out in lala land, but if Duderstadt can suggest a moratorium of telecasts of all college basketball and football games... Kansas cancelled their basketball games with Notre Dame, they would have cancelled football games too except their one of the teams we're using to threaten Notre Dame. College football could show Notre Dame that they are not bigger than the game itself, just an important part of the game.

Guelcher's Miscellany

By Jeff Guelcher

Those who are in charge of this esteemed publication should not be blamed if you find my columns uninteresting and uninformative, because I have come into this position through the back door so to speak, as a pinch-hitter for Dave Willie. My esteemed colleague has decided that trivial responsibilities like Law Review are more important than sports. Clearly the man has a problem with his priorities.

As a direct result of Mr. Willie's resignation, there will be one undisputed benefit to you, the reader: there will not be a portion of the column dedicated to a discussion of Wisconsin Badger sports every week. While I congratulate the Badgers for their excellent hockey season last year, the remainder of their athletic teams have been far from perennial juggernauts in recent years.

Starting next week (hopefully) the RG's extensive sports department will compile a weekly college football poll as voted by football fanatics throughout the law school. (Note: anyone wishing to participate can contact me by pendaflex.) In addition, because of my limited creative talents, the column will feature guest columnists (Note: see previous note), and may also be loosely based on someone else's format from time to time. Those introductory notes aside, this week's theme is borrowed from The MacLaughlin Group.

Topic #1: College Football

Q: Who will be the National Champion?

A: I don't know. Having not seen any of the top teams play more than one game, any guess I might make would have no real rational basis. I'll wait a few weeks to make a decision, but I will make a few predictions now. No major team will go undefeated, and the loser of the Michigan-Notre Dame game next week will still have an excellent shot at the national title. No team from the Big Eight will win the title. Once again, the

top teams in the conference are vastly overrated, but will continue to be highly ranked all season because sportswriters in this country have all been brainwashed into believing that it is a top conference, and Nebraska and Colorado will post impressive 64-7 victories against powers like Kansas and Illinois State every week. (Note that since I am writing the column, I get to be MacLaughlin and I don't have to bother listening to what others have to say about each topic.)

Topic #2 Pro Football

Q: Who will win the Super Bowl?

A: San Francisco. I realize that its boring to pick them again, but they are clearly the best team in the league. Last year it became trendy to pick teams like the Rams and Eagles, and I'm sure a large share of people will find themselves picking such teams again. But the team that annihilated the Broncos last January returns almost intact, and the myth that they cannot repeat has been proved to be just that. Who will be the unfortunate opponent is anyone's guess, but I will pick Miami because I'm a Dolphins fan. No team in the AFC is much better than mediocre, and with a few breaks and a hot Marino, who knows what could happen?

Topic #3 Baseball

Q: Who will play in the World Series?

A: Who cares, as long as its not the Mets! (Watch it, Guelch. Remember that Manitsky proofreads this stuff—Features Editor) But seriously, it will be Oakland over Pittsburgh in seven, with Harold Baines driving in Willie McGee in the ninth inning to win the series. How is it that the rest of baseball allows the A's to just keep improving themselves at every one else's expense?

Prediction: The Lions will not be nearly as good as everyone around here thinks they will be.

Goodbye.

Whyte & Hirschboeck of Milwaukee, Wisconsin

is pleased to announce that it will be interviewing interested second-year students on

Wednesday, October 3

for summer employment, 1991.

Student interview request cards are due in the Placement Office TODAY.

Chip's Picks

- | | |
|---------------------------------|----------------|
| 1. Notre Dame | 8. Nebraska |
| 2. Michigan | 9. Miami |
| 3. Reserved for Florida State | 10. Virginia |
| when they return to Division 1A | 11. Florida |
| 4. BYU | 12. Tennessee |
| 5. USC | 13. Pittsburgh |
| 6. Texas A & M | 14. Ohio State |
| 7. Auburn | 15. Oklahoma |

Gallagher & Kennedy

of Phoenix, Arizona

is pleased to announce that it will be interviewing interested second and third-year students on

Tuesday, October 2

for summer and permanent employment, 1991.

Student interview request cards are due in the Placement Office TODAY.

The Irish are #1 . . . Until Saturday

By Chip Cox

#2 Michigan 24 #1 Notre Dame 14

Lou Holtz says that this year Notre Dame will be an "aerial circus" compared with last year.

There are teams that will rely on the pass this year, like Virginia with Shawn Moore, Oregon with Bill Musgrave, Brigham Young with Ty Detmer, and Southern Cal with Todd Marinovich, but Notre Dame with Rick Mirer and Jake Kelchner?

Remember the kid's song from public TV: "One of these things is not like the other, one of these things just doesn't belong?" It will take more than Derek Brown, Raghib Ismail and a corps of quality receivers for Notre Dame to successfully rely on their passing game. Rick Mirer and Jake Kelchner are both sophomores. Mirer will be making his first start for the Irish against Michigan, and he's had all week to think about it. Tripp Welborne and Vada Murray must be licking their chops.

So why am I picking Notre Dame #1? They are returning a number of All-American quality players, and the Irish play well

even without name players in the skill positions — remember Tony Brooks and the Orange Bowl. They deserve #1 until Saturday night. Michigan's circumstances are just the reverse. Elvis Grbac, who started five games last year for the injured Michael Taylor, will be throwing the ball to a new group of receivers. It's a better formula, just ask Tennessee.

Notre Dame will be tough in the middle with Chris Zorich, Donn Grimm and a returning Michael Stonebreaker, but Michigan is returning a huge offensive line that should help open holes for Jarrod Bunch and give the rest of the Michigan backfield room to operate.

Picking the Wolverines #2 with an uncertain tailback is a bit of a stretch, but I like it when #1 pays #2 and this early in the year every pick is a bit of a guess anyway. This year Michigan will stop Raghib Ismail — can you say squib kick? — and Gary Moeller will win his debut.

FSU 45 Georgia Southern 24

With a play-off system, Florida State would have won two national champion-

ships in the last few years. This week FSU plays host to Georgia Southern, a IAA powerhouse but not best in the nation caliber.

Tennessee 34 UTEP 10

Texas-El Paso visits Tennessee this Saturday. The line is 40 points. Tennessee did play well against Mississippi State, but 40 points?

BYU 48 Washington State 20

Brigham Young crushed Miami, only 5 turnovers by the Cougars kept the game close. Miami had only two sustained drives for scores all game. Washington State took it on the chin last week in Laramie, this week could get worse.

Florida 33 Alabama 21

Alabama lost running back Siran Stacy and their opener to Southern Mississippi. Florida comes to Tuscaloosa this Saturday and it will be two surprises in a row for the Crimson Tide. Steve Spurrier has a great

defense to work with and will provide the coaching stability Florida needs to quit shooting itself in the foot.

USC 34 Penn State 17

Todd Marinovich looked impressive in the Trojans opener against Syracuse. With the return of a running attack to Southern California, the Trojans could be very difficult to stop this year. While Penn State teams are generally well prepared and play smart football, the Trojans will defeat the Nittany Lions handily.

Southern Mississippi 24 Georgia 17

But for their scheduling, Southern Mississippi could be a fine football team. Last week the Golden Eagles beat Alabama. This week they visit Athens, and the line is Georgia by 12.

Ohio State 28 Boston College 10

Ohio State struggled with a surprisingly good Texas Tech team. This weekend

See Chip, Page Seven

Law in the Raw

By Oana, Welsh & Wisotzkey

Learn to Defend Yourself

Steven G. Rollins, already serving 32 years for killing a prison inmate in 1974 and charged with rape in July while on parole in Providence, RI, became dissatisfied with his lawyer's defense tactics and began to beat him with his fists in the courtroom, causing a concussion before he was restrained.

- Chicago Reader

Scouting the Enemy

Reason magazine reports that a survey of hotel bills from last year's convention of religious broadcasters revealed that 80 per cent watched an X-rated movie on their hotel room's closed circuit channel.

- Chicago Reader

Implied Warranty of Quiet Sex?

A judge in Peterborough, Ontario, upheld the June eviction of a female college student from her apartment because of neighbors' complaints that she moaned too loudly during sex. Said one neighbor, the sound lasted up to an hour per session, with up to three sessions a night.

- City Paper

New "Rule 11" Sanctions

All summer associates who had to deal with the dreaded "word processing" department this summer should appreciate the following cover letter: "Enclosed find the final document for the Hopkins deal. Please have the appropriate person in your firm executed on our behalf."

- K&L Newsletter

And You Thought that Divorce was Expensive!

The only thing standing between two Florida newlyweds and their honeymoon was an arrest warrant for the groom—held by a deputy sheriff who, hours earlier, had married them. Charlotte County Deputy Sheriff Richard Cook was approached by Anita Clough, 19, who was looking for someone to marry her and her boyfriend, Ronald Wayne Jackson, 18. Unfortunately, upon entering their home, the Deputy Sheriff recognized the groom as the man to whom he had issued several as yet unpaid parking tickets. After marrying the couple, the Deputy Sheriff checked the status of the tickets, and learned that the new groom had failed to appear in court for the tickets and that

there was an outstanding warrant for his arrest. The Deputy Sheriff then returned to the house and arrested the groom. For sentimental reasons, the Deputy Sheriff says he still keeps a copy of their marriage certificate in the trunk of his car, along with a picture he took of them. "Their timing just wasn't right," he says.

- National Law Journal

Well, You Know What I Meant

According to a court reporting service newsletter, the attorney was serious when he asked the question: "Was that the same nose you broke as a child?"

- National Law Journal

Sticks and Stones . . .

Kirsten Madsen and her husband sued a Nashville hospital in April for \$4 Million for causing her emotional distress by referring to her just-born baby, who was covered in a harmless blue dye used in a medical test, as "Smurfette."

- City Paper